

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MEL and ALICE GREEK, husband and wife

Plaintiff,

v.

PIERCE COUNTY, KARIE HAMILTON,
CHRISTIAN FYNBOE, JOSEPH KOLP, and
NATHALY KOLP, and their respective marital
communities,

and

REAL PROPERTY DESCRIBED AS THAT
PORTION OF CERTAIN "WALK", 10 FEET
IN WIDTH, LYING BETWEEN A PART OF
BLOCK "A" ON THE WEST AND A PART OF
BLOCKS 1 AND 2 ON THE EAST IN
SECOND WILDARE ADDITION, PIERCE
COUNTY, WASHINGTON, AS THE SAME IS
RECORDED ON PAGE 44 OF VOLUME 11
OF PLATS ON FILE IN THE OFFICE OF THE
PIERCE COUNTY AUDITOR, ETC.,

Defendant.

CASE NO. C13-5558 RBL

ORDER

(Dkt. #15)

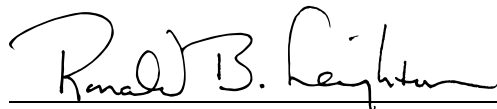
THIS MATTER is before the Court on the individual Defendants' Motion to Dismiss
under to Fed. R. Civ. P. 12(b)(6). (Dkt. #15). Defendants Hamilton, Fynboe, and Kolp seek to

1 dismiss the present action, arguing that the statute of limitations on the quiet title and ejectment
2 claims against them has long since expired. Alternatively, they ask the Court decline to exercise
3 supplemental jurisdiction over the state law claims against them if it grants Defendant Pierce
4 County's motion to dismiss the only federal claim in the case. Under 28 U.S.C. § 1367, the
5 Court may decline to exercise supplemental jurisdiction if it "has dismissed all claims over
6 which it has original jurisdiction." 28 U.S.C. § 1367(c)(3).

7 In a separate Order, the County's motion to dismiss is **GRANTED**. There are no longer
8 any claims over which the Court has original jurisdiction, and the remaining state law claims can
9 and should be resolved at the state court level. The Court therefore **DECLINES** to exercise
10 supplemental jurisdiction over the remaining state law claims. The Court does not reach the
11 statute of limitations issues. The individual Defendants' Motion to Dismiss is **GRANTED**, and
12 the case is **DISMISSED** without prejudice, with leave to file in state court.

13 IT IS SO ORDERED.

14 Dated this 16th day of September, 2013.

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17 RONALD B. LEIGHTON
18 UNITED STATES DISTRICT JUDGE
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